

Office Memorandum • UNITED STATES GOVERNMENT

TO : THE DIRECTOR

DATE: January 21, 1959

FROM : A. ROSEN

SUBJECT: COMPLAINT OF SENATOR JAMES
EASTLAND (D. - Miss.) TO ASSISTANT
ATTORNEY GENERAL MALCOLM ANDERSON

Tolson	✓
Boardman	✓
Belmont	✓
Mohr	✓
Nease	✓
Parsons	✓
Rosen	✓
Tamm	✓
Trotter	✓
W.C. Sullivan	✓
Tele. Room	✓
Holloman	✓
Gandy	✓

Reference is made to my memorandum of January 21, 1959, referring to a telephone call which Eastland made to Anderson complaining about Anderson's tactics in connection with the case pending in the Gulf Coast area either in Mississippi or Louisiana in which Elmer Williams is owner of the DeJean Packing Company which packs fish and who also has an interest in the Williams Packing and Fishing Company. *W.C.*

SAC Bachman, New Orleans, was requested to immediately check into the allegations to determine what may have happened with reference to the telephone call which Eastland made to Anderson.

The following facts have been determined and it appears that there has been no complaint against the FBI and that Malcolm Anderson either was not clear in the facts which he obtained from Senator Eastland or the facts as alleged by Anderson are not founded in fact. This is what happened according to SAC Bachman.

H. Warren Tool, Jr., Resident Agent, Biloxi, Mississippi, together with Furman G. Boggan, Agent assigned to the New Orleans Office, did contact Williams today pursuant to previous arrangements. The contact was made pursuant to a request from Malcolm Anderson that we inquire into an allegation which was referred by the General Counsel of the National Labor Relations Board that there had been a complaint against Williams' company for having made deductions from the pay of the employees, without the authority of the individual employees, these deductions being made for union dues. The allegation was that the company was doing this contrary to Section 186 of Title 29, U. S. Code, which provides that such deductions may be made if the employee authorizes it in writing.

The Department requested that we check into this matter.

1 - Mr. Nease

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HEREIN IS UNCLASSIFIED
DATE 6-12-90 BY 293969

JAN 23 1959

6/77

Memorandum to the Director

After a preliminary check by Agent Boggan at New Orleans for information available in the offices of the National Labor Relations Board representative at New Orleans, Boggan went over to Biloxi today. Agent Tool called Mr. Williams at approximately 10:45 a.m. this morning and asked for an appointment in order that he might talk with Mr. Williams. Mr. Williams told Agent Tool to stop by his office sometime before 11:30 a.m. this morning, January 21, 1959.

At about 11:15 a.m. this morning Agents Tool and Boggan met with Mr. Williams. He was alone. Mr. Williams inquired concerning the reason for the desired interview. Agent Tool advised Mr. Williams that they had called upon him at the specific request of Malcolm Anderson of the Department of Justice who had indicated that he desired an inquiry be made concerning this matter, that the Agents had no interest whatsoever in labor-management relations, that they had been requested to find out if the company records would be made available including cancelled checks in order that the Agents may determine whether the union dues of the employees were being withheld from employees' pay, to be furnished to the Seafood Workers Association of the Gulf Coast, without the written permission of the individual employees. The Agents pointed out Malcolm Anderson had indicated such an inquiry on the basis that there may have been a possible violation of the above-cited section, namely, Section 186 of Title 29, U. S. Code.

Williams in a most cordial manner said he wanted to get in touch with his attorney prior to taking such action and in the presence of the Agents he called attorney Stanford Morse of the law firm of Morse and Morse in Gulfport, Mississippi.

Williams asked Agent Tool whether he would explain the situation over the phone to his attorney who was on the line. Tool acceded to this and explained the situation to the attorney. (Agent Boggan states that Agent Tool did not know that anyone was listening in on the line but Agent Boggan saw [redacted] for the Williams firm, listening in on the conversation. Boggan also states that Williams [redacted] [redacted] was also in the next room but was not listening in on the phone.)

Tool explained the matter in detail to the attorney and attorney Morse in a most cordial manner advised Tool as follows. He stated that he

Memorandum to the Director

may have to advise his client for the first time to invoke the Fifth Amendment because he could not authorize Mr. Williams to give the records to Agent Tool, these records which could be used for evidence to draw an indictment and for prosecution of his client.

After finishing this conversation attorney Morse put another individual on the line who was identified as having additional information and this apparently was the individual who had been hired by the Williams firm to inquire into the situation and obtain such facts as Williams may need in order to present its case which was to come up for hearing on February 9, 1959. (This is the case with reference to Social Security deductions which are in question and set for hearing. This is the matter wherein the Williams interests have declined to pay assessments which were claimed by the Internal Revenue Service as being due and in which the Williams company is now seeking injunctive relief.)

The individual who was put on the line in attorney Morse's office advised Agent Tool that there were attorneys from the Department of Justice who were to have a meeting with him, meaning the investigator for the firm, and attorney Morse this afternoon (January 21, 1959) at 2:00 p.m. in connection with another matter. This was the end of the conversation.

Agents Tool and Boggan stated that any allegation that they threatened or had any sharp words with Williams is absurd. All of the conversation was most cordial, they completed their interview at 11:50 a.m. and they firmly state that there could have been no confusion as to what the Agents may have said in any conversation with Williams or his attorney because it was most cordial. Before they parted Agents Tool and Boggan, as a matter of fact, dealt with pleasantries which related to their interest in boats.

ACTION TO BE TAKEN:

On the basis of these facts it is recommended that Senator Eastland immediately be advised of the true facts in this case. It would appear that this matter should be straightened out so that the Senator will have no question about our reason for having made the contact and it was obvious that the responsibility for initiating this inquiry rests solely with

Memorandum to the Director

Anderson's office who requested it. It is also obvious that Agent Tool must have explained this clearly to Williams because Senator Eastland did not call the Bureau, he did not call Rice who has assigned his attorneys to the Social Security matter, but he called Anderson.

A copy of this memorandum is being furnished to Mr. Nease's office so that he can clearly explain to the Senator that the alleged action on the part of the Agents is entirely unfounded and without basis.

After the matter has been fully explained to Senator Eastland then we can call Anderson. Anderson indicated that he intended to report to Senator Eastland just what had occurred in this matter after he would check with the FBI. In spite of this, I recommend that we explain the matter to Eastland first and then tell Anderson.

I agree & all once.

*Nease memo to Tolson
1/22/57*

Assistant Attorney General
Malcolm Anderson

January 23, 1959

Director, FBI

RE JIM PACKING COMPANY
SILVER JEWEL ASSOCIATION
OF THE GULF COAST
LABOR-MANAGEMENT RELATIONS ACT -
INVESTIGATIVE MATTER

ALL INFORMATION CONTAINED
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DATE 6-12-90 BY 8885TJ/af
293969

REC-65

Reference is made to your conversation with
Mr. Rosen of this Bureau concerning the inquiry you received
from Senator James Eastland.

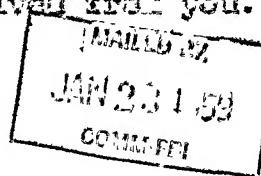
This is to advise that pursuant to a memorandum
from the Criminal Division dated December 22, 1958, which
requested an investigation relating to possible violations
of the Labor Management Relations Act under Section 186,
Title 29, U. S. Code, Special Agents of our New Orleans,
Louisiana, Office contacted Mr. Elmer Williams, owner of
the DeJean Packing Company. At this time Mr. Williams was
advised of the purpose of our inquiry and he was requested
to make available the records of the company for examination
in connection with the requested investigation. He then
consulted with his attorney, after which the Agents were
informed that access to the company's records would not be
allowed.

The entire discussion relative to this matter
was in a cordial vein and no representations were made by
our Agents as to prosecutive action pertaining to this case.
The facts in this regard have been furnished to Senator
Eastland.

In view of the position taken by Mr. Williams,
we are taking no further action in this case unless a specific
request is received from you.

122-2436 -

JRA:DC



NOTE: This investigation was instituted at the request of
AAG Malcolm Anderson following its having been referred to the

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MAIL ROOM ☐ TELETYPE UNIT ☐

Tolson _____
Boardman _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
W.C. Sullivan _____
Tele. Room _____
Holloman _____
Gandy _____

Assistant Attorney General
Malcolm Anderson

NOTE: (CONTINUED FROM PAGE ONE)

Department by the National Labor Relations Board. (NLRB) It involves an alleged violation of the Labor Management Relations Act (Section 186, Title 29, USC) in that the DeJean Packing Company allegedly had made deductions from the pay of its employees for union dues without having the employees' written authorization, as required by law.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: January 22, 1959

FROM : G. A. Nease

SUBJECT: COMPLAINT OF SENATOR JAMES EASTLAND (D. - MISS.)
TO ASSISTANT ATTORNEY GENERAL MALCOLM ANDERSON

Tolson ☒
 Belmont ☒
 Mohr ☒
 Nease ☒
 Parsons ☒
 Rosen ☒
 Tamm ☒
 Trotter ☒
 W.C. Sullivan ☒
 Tele. Room ☒
 Holloman ☒
 Gandy ☒

Mr. DeLoach saw Senator Eastland at 10:00 a.m., 1-22-59, concerning captioned matter. The Senator requested that Courtney Pace, his Administrative Assistant, sit in on the interview. The Senator was told that the Director was somewhat disturbed concerning his complaints to Assistant Attorney General Malcolm Anderson and wished for Senator Eastland to learn the true facts immediately. He was told that we had looked into this matter very carefully, had questioned our Agents extensively and now wished to apprise him of all circumstances. Senator Eastland interrupted and stated the facts he had obtained regarding this matter were from an unimpeachable source and that he felt there was little we could say that would straighten out the matter. He was told that we had no doubt as to the integrity of his source but that he should keep an open mind until he had heard all the facts.

LA-102

REC-65

122-2455-5

Senator Eastland was advised that Agents Tool and Boggan of our New Orleans Office contacted Mr. Elmer Williams of the DeJean Packing Company and the Williams Packing and Fishing Company on January 21, 1959, after making an appropriate appointment. He was told that the Agent^s clearly explained to Mr. Williams the fact that Malcolm Anderson had specifically requested the FBI to inquire into an allegation referred by the General Counsel of the National Labor Relations Board concerning a complaint against Williams' company for having made deductions from the pay of employees, without the authority of the individual employees. It was explained to the Senator that the allegation specifically concerned Union dues and that Mr. Anderson had informed us the allegation was based on a possible violation of Section 186, U. S. Code, Title 29, which provides that such deductions may be made if the employee authorizes it in writing.

JAN 28 1959

Senator Eastland was told that the Agents, after explaining to Mr. Williams the reason for their presence, told him they had absolutely no interest in labor-management relations but had been requested to find out if company records could be made available, including cancelled checks, in order that the Agents might determine whether Union dues of the employees were being held from employees' pay without the written permission of these employees. The Senator was told that Mr. Williams told the Agents that he wanted to get in touch with his attorney prior to taking such action. Williams then called Attorney Stanford Morse and after talking with him briefly requested Agent Tool to explain the situation on the telephone to Attorney Morse. Senator Eastland was advised that Attorney Morse told our Agent that he could not authorize Williams to give up his records which might be used for evidence to draw an indictment and for prosecution of Williams.

1 - Mr. Rosen

CDD:sak (3)

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ALL INFORMATION CONTAINED
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 DATE 6-12-90 BY 208 X372/08

293969

Nease memo to Tolson

Re: Complaint of Sen. Eastland to Assistant AG Anderson

Senator Eastland was advised there were no sharp words between our Agents and Mr. Williams. He was told that the conversation was most cordial and that the interview lasted between 11:15 a.m. and 11:50 a.m. He was told we had questioned the Agents most carefully regarding any possible threats or sharp words and that the Agents specifically claimed there were none whatsoever; but, to the contrary, the conversation was most pleasant and in it there was a note of mutual interest regarding boats.

Senator Eastland was also told that apparently there was some misunderstanding regarding the inquiry our Agents were making and another case dealing with the National Maritime Union and Internal Revenue. He was told that the FBI had no connection whatsoever with this ^{later} case, which is coming up for hearing on February 9, 1959, and which concerns certain assessments against the Williams Company involving social security payments.

Senator Eastland's feelings abated somewhat. He said he could now understand that two different cases were involved and that he certainly had no fault whatsoever against the FBI. He quickly added, however, that although he personally could understand the situation ^{there} was nothing on "God's green earth" which would make his constituent, ^{keep} Elmer Williams, from feeling that he was being harassed and intimidated by the Department of Justice and the U. S. Government.

The Senator then stated that perhaps the FBI was being used as a tool to back up the Internal Revenue case which is extremely weak and which the Department would undoubtedly lose. He was told that we knew nothing about the ramifications of the other case and that we had proceeded strictly at the request of the Department and not on our own volition. The Senator then mentioned that he desired to discuss the latter point. He stated that when he discussed this matter with Malcolm Anderson, Anderson had told him specifically that he knew absolutely nothing about the actions of the FBI in the matter involving Mr. Williams but that he would immediately find out for the Senator by having the Agents involved questioned regarding their actions. Senator Eastland stated he thought that Malcolm Anderson was undoubtedly an honorable man but that he could not understand why Anderson would tell him one thing, then the FBI come up and present the true facts. He quickly added that he did not wish to cause any controversy between Anderson and the FBI but stated that Anderson should not have told him "he knew nothing about the FBI's presence or entry into the Williams case." The Senator was told that Mr. Anderson very definitely requested FBI action in this matter and that we were operating strictly at his and the Department's instructions.

Nease memo to Tolson

Re: Complaint of Sen. Eastland to Assistant AG Anderson

Senator Eastland stated that he was very much on the side of the FBI in this matter but that he felt that the Agents had perhaps implied that unless Williams gave up his books and records Williams would be indicted and brought before a Grand Jury. He was again told that the Agents had been very carefully questioned regarding such points and claimed that no such remarks were made. Courtney Pace, the Senator's Administrative Assistant, spoke up and said that Williams might have received the understanding he was to be indicted as a result of the Agents explaining that they were acting under the instructions of Malcolm Anderson. It was pointed out that this may be true but seemed to have very little connection. The Senator was told that the two Agents who talked to Mr. Williams were both experienced men, one at least was from the locality involved, and it was felt that it was most inconceivable they would step beyond the bounds of their authority. The Senator then stated that he knew our Agents were well trained men and perhaps Mr. Williams or his attorney, Stanford Morse, in their anger against being harassed by the Department of Justice, just misunderstood the Agents.

The conversation ended in a very cordial vein. Senator Eastland asked that the Director be advised that he certainly understood that the FBI received instructions from Malcolm Anderson to enter this matter. He stated he had no feelings whatsoever against the FBI and that he planned to attempt to explain to Williams this fact. There is no doubt but that Senator Eastland fully now understands that the FBI entered this case strictly at the request of the Department.

At the conclusion, after much discussion about mutual interests in Civil War history and fishing, Senator Eastland invited Mr. DeLoach to travel with him this spring to speak before the Mississippi American Legion Convention and later go fishing on his boat which is docked at Biloxi, Mississippi, and which has been used only twice since the Senator purchased it two years ago. Despite the very favorable feelings of Senator Eastland toward the Director and the FBI, however, the fact remains that Malcolm Anderson undoubtedly riled the Senator considerably by telling him he knew nothing about the actions of our Agents in handling this inquiry.

ACTION:

That this memorandum be forwarded to the Investigative Division for Mr. Rosen's attention.

Send memo to Anderson & point out facts & that our entry was at his specific request. J.S.
memo - Anderson 1/27/59 J